

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2022-318**

5 A ORDINANCE MAKING CERTAIN FINDINGS, AND
6 APPROVING AND AUTHORIZING THE EXECUTION OF AN
7 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")
8 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
9 BREEZE AVIATION GROUP, INC. ("COMPANY"), TO
10 SUPPORT THE DEVELOPMENT OF NEW AIRLINE ROUTES AT
11 JACKSONVILLE INTERNATIONAL AIRPORT ("JIA") BY
12 THE COMPANY ("PROJECT"); AUTHORIZING AN UP-TO
13 \$1,000,000 AIRLINE NETWORK GRANT ("AN GRANT");
14 APPROVING AND AUTHORIZING THE EXECUTION OF
15 DOCUMENTS BY THE MAYOR, OR HIS DESIGNEE, AND
16 CORPORATION SECRETARY; AUTHORIZING APPROVAL OF
17 TECHNICAL AMENDMENTS BY THE EXECUTIVE DIRECTOR
18 OF THE OFFICE OF ECONOMIC DEVELOPMENT ("OED");
19 PROVIDING FOR OVERSIGHT BY THE OED; WAIVER OF
20 THAT PORTION OF THE PUBLIC INVESTMENT POLICY
21 ADOPTED BY ORDINANCE 2016-382-E, AS AMENDED, TO
22 AUTHORIZE THE AN GRANT; PROVIDING AN EFFECTIVE
23 DATE.
24

25 **WHEREAS**, Breeze Aviation Group, Inc. (the "Company") has
26 committed to establish ten or more airline routes at Jacksonville
27 International Airport, all as further described in the Project Summary
28 attached hereto as **Exhibit 1** and incorporated herein by this
29 reference; and

30 **WHEREAS**, for the reasons more fully described in the Project
31 Summary, the payment of the Airline Network Grant ("AN Grant") in the

1 up-to amount of \$1,000,000 serves a paramount public purpose; and

2 **WHEREAS**, the OED has reviewed the application submitted by the
3 Company for community development; and, together with representatives
4 of the City, negotiated the Agreement. Accordingly, based upon the
5 contents of the Agreement, it has been determined that the Agreement
6 and the uses contemplated therein to be in the public interest, and
7 that the public actions and financial assistance contemplated in the
8 Agreement take into account and give consideration to the long-term
9 public interests and public interest benefits to be achieved by the
10 City; and

11 **WHEREAS**, the Company has requested the City to enter into an
12 agreement in substantially the form placed **On File** with the
13 Legislative Services Division; now therefore,

14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Findings.** It is hereby ascertained, determined,
16 found and declared as follows:

17 (a) The recitals set forth herein are true and correct.

18 (b) The location of the Company's Project in Jacksonville,
19 Florida, is more particularly described in the Agreement. The Project
20 will promote and further the public and municipal purposes of the
21 City.

22 (c) Enhancement of the City's tax base and revenues, are matters
23 of State and City policy and State and City concern in order that the
24 State and its counties and municipalities, including the City, shall
25 not continue to be endangered by unemployment, underemployment,
26 economic recession, poverty, crime and disease, and consume an
27 excessive proportion of the State and City revenues because of the
28 extra services required for police, fire, accident, health care,
29 elderly care, charity care, hospitalization, public housing and
30 housing assistance, and other forms of public protection, services
31 and facilities.

1 (d) The provision of the City's assistance as identified in the
2 Agreement is necessary and appropriate to make the Project feasible;
3 and the City's assistance is reasonable and not excessive, taking
4 into account the needs of the Company to make the Project economically
5 and financially feasible, and the extent of the public benefits
6 expected to be derived from the Project, and taking into account all
7 other forms of assistance available.

8 (e) The Company is qualified to carry out and complete the
9 construction and equipping of the Project, in accordance with the
10 Agreement.

11 (f) The authorizations provided by this Ordinance are for public
12 uses and purposes for which the City may use its powers as a county,
13 municipality and as a political subdivision of the State of Florida
14 and may expend public funds, and the necessity in the public interest
15 for the provisions herein enacted is hereby declared as a matter of
16 legislative determination.

17 (g) This Ordinance is adopted pursuant to the provisions of
18 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
19 Charter, and other applicable provisions of law.

20 **Section 2. Airline Network Grant.** An up to \$1,000,000
21 Airline Network Grant ("AN Grant") is hereby authorized and is payable
22 to the Company subject to the terms and conditions of the Economic
23 Development Agreement **On File** with the Legislative Services Division.

24 **Section 3. Economic Development Agreement Approved.** There
25 is hereby approved, and the Mayor and Corporation Secretary are
26 authorized to execute and deliver, for and on behalf of the City, an
27 agreement between the City and the Company, substantially in the form
28 placed **On File** with the Office of Legislative Services (with such
29 "technical" changes as herein authorized), for the purpose of
30 implementing the recommendations of the OED, as are further described
31 in the Project Summary attached hereto as **Exhibit 1**.

1 The Agreement may include such additions, deletions and changes
2 as may be reasonable, necessary and incidental for carrying out the
3 purposes thereof, as may be acceptable to the Mayor, or his designee,
4 with such inclusion and acceptance being evidenced by execution of
5 the Agreement by the Mayor or his designee. No modification to the
6 Agreement may increase the financial obligations or the liability of
7 the City and any such modification shall be technical only and shall
8 be subject to appropriate legal review and approval of the General
9 Counsel, or his or her designee, and all other appropriate action
10 required by law. "Technical" is herein defined as including, but not
11 limited to, changes in legal descriptions and surveys, descriptions
12 of infrastructure improvements and/or any road project, ingress and
13 egress, easements and rights of way, performance schedules (provided
14 that no performance schedule may be extended for more than six months
15 without City Council approval) design standards, access and site
16 plan, which have no financial impact.

17 **Section 4. Designation of Authorized Official/OED Contract**

18 **Monitor.** The Mayor is designated as the authorized official of the
19 City for the purpose of executing and delivering any contracts and
20 documents and furnishing such information, data and documents for the
21 Agreement and related documents as may be required and otherwise to
22 act as the authorized official of the City in connection with the
23 Agreement, and is further authorized to designate one or more other
24 officials of the City to exercise any of the foregoing authorizations
25 and to furnish or cause to be furnished such information and take or
26 cause to be taken such action as may be necessary to enable the City
27 to implement the Agreement according to its terms. The OED is hereby
28 required to administer and monitor the Agreement and to handle the
29 City's responsibilities thereunder, including the City's
30 responsibilities under such Agreement working with and supported by
31 all relevant City departments.

1 **Section 5. Further Authorizations.** The Mayor, or his
2 designee, and the Corporation Secretary, are hereby authorized to
3 execute and deliver the Agreement and all other contracts and
4 documents and otherwise take all necessary action in connection
5 therewith and herewith. The Executive Director of the OED, as contract
6 administrator, is authorized to negotiate and execute all necessary
7 changes and amendments to the Agreement and other contracts and
8 documents, to effectuate the purposes of this Ordinance, without
9 further Council action, provided such changes and amendments are
10 limited to amendments that are technical in nature (as described in
11 Section 3 hereof), and further provided that all such amendments
12 shall be subject to appropriate legal review and approval by the
13 General Counsel, or his or her designee, and all other appropriate
14 official action required by law.

15 **Section 6. Oversight Department.** The OED shall oversee the
16 Project described herein.

17 **Section 7. Waiver of Public Investment Policy.** The
18 requirements of the Public Investment Policy ("PIP") adopted by City
19 Council Ordinance 2016-382-E, as amended, are waived to authorize the
20 AN Grant, which is not authorized pursuant to the PIP. The waiver
21 is justified due to the fact that the Project will cause the creation
22 of new airline Routes through Jacksonville International Airport, and
23 enhance business, tourism and travel opportunities for the citizens
24 of Duval County.

25 **Section 8. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

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3 /s/ John Sawyer

4 Office of General Counsel

5 Legislation Prepared By: John Sawyer

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